

McCARTHY, JOHNSON & MILLER
LAW CORPORATION
LORI A. NORD, ESQ., #87993
DIANE SIDD-CHAMPION, ESQ. #78140
595 Market Street, Suite 2200
San Francisco, CA 94105
Telephone: (415) 882-2992

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE PLUMBERS	)	No. CV 08 1170 JCS
AND STEAMFITTERS MANAGED HEALTH CARE)	
TRUST FUND; BOARD OF TRUSTEES OF THE	)	MEMORANDUM OF POINTS AND
U.A. LOCAL NO. 343 PENSION TRUST	)	AUTHORITIES IN SUPPORT OF
FUND; BOARD OF TRUSTEES OF THE U.A.	)	MOTION FOR DEFAULT
LOCAL NOS. 343 AND 355 DEFINED	)	JUDGEMENT BY COURT
CONTRIBUTION PLAN; BOARD OF TRUSTEES)	
OF THE U.A. LOCAL NO. 343 JOURNEYMAN	)	(F.R.C.P. 55 (b) (2), L.R.
AND APPRENTICE TRAINING TRUST FUND;	)	230)
AND BOARD OF TRUSTEES OF THE U.A.)	
LOCAL NO. 343 LABOR-MANAGEMENT	)	Date: July 11, 2008
COOPERATION COMMITTEE TRUST FUND,	)	Time: 9:00 A.M.
	)	Place: Courtroom A,
	)	15th Floor
Plaintiffs,)	
)	
v.)	
)	
RAMCON COMPANY, INC., A CALIFORNIA)	
CORPORATION)	
)	
Defendant.)	

I.

INTRODUCTION

Defendant was served with Plaintiffs' complaint on March 18, 2008 and the amended complaint on April 15, 2008. Plaintiffs' Request that the Clerk of the Court enter default against the defendant on the complaint and amended

1 complaint under F.R.C.P. 55(a) was filed with the Court on May 13,
2 2008, and the defendant's default was entered that same day.
3 Plaintiffs now move the Court to dispose of this matter expedi-
4 tiously by granting a judgment by default.

5 II.

6 **DEFENDANT'S FAILURE TO COMPLY WITH THE FEDERAL RULES**
7 **OF CIVIL PROCEDURE JUSTIFIES ENTRY OF A**
8 **DEFAULT JUDGMENT**

9 F.R.C.P. 55(b)(2) provides that judgment by default may be
10 entered by the Court. Entry of default judgment on liability
11 issue is justified where defendant fails to comply with pretrial
12 orders and rules of civil procedure. Gulf Oil Co. v. Bill's Farm
13 Center, Inc., 449 F.2d 778 (8th Cir. 1971). Defendant has failed
14 to answer the complaint within the time period provided by law
15 such that a default has been properly entered and consequently the
16 defendant is deemed to have admitted to the allegations in the
17 complaint. Furthermore, plaintiff's entitlement to an audit of
18 defendant's books and records is clear under the relevant agree-
19 ment and case law. See, Central States, Southeast and Southwest
20 Area Pension Fund v. Central Transport, Inc., 472 U.S. 559, 86
21 L.Ed. 2d 447, 105 S.Ct. 2833 (1985). See, also, Declaration of
22 Lori A. Nord, filed herewith.

23 Costs and attorneys' fees are mandated by 29 U.S.C. § 1132.

24 The Court should, therefore, enter a judgment by default
25 against defendant as requested herein.

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1 **III.**

2 **CONCLUSION**

3 For the reason stated above, the Court should enter a judg-
4 ment by default on the merits of this case.

5 Respectfully submitted,

6
7 Dated: May 30, 2008

By:

LORI A. NORD
Attorneys for Plaintiffs